

CHAPTER 134.

TO RELIEVE ANDERSON M. BENGE.

S. F. 404. AN ACT to relieve Anderson M. Benge and others to whom loans of the school fund were made in Madison County, Iowa.

Receipts given and money received by Auditor on school fund.

Whereas, one A. L. Tullis was County Auditor in and for Madison County, Iowa, from the first Monday in January 1881 to the first Monday in January 1885, and as such officer during the time aforesaid in keeping the account of the School Fund, and Securities pertaining thereto, of the State of Iowa, being held and managed by the Board of Supervisors of Madison County, in many instances, where borrowers of said fund desired to pay the principal or interest of the same due or owing to said County, he, said County Auditor, would and did collect, accept and receive the payment of, the same from such borrowers giving receipts therefor as County Auditor instead of giving the borrowers aforesaid, paying the same, a certificate on which to pay said fund to the County Treasurer of said County, and,

Payment made in good faith.

Whereas, in the manner aforesaid many borrowers of said School Fund acting in good faith and relying upon the supposed correct business methods and integrity of said County Auditor paid him divers and sundry sums due or owing to said County of principal, interest or both belonging to said fund and believing they were paying the same to the duly authorized officer to receive the same; and,

Failure of County Auditor to pay over collection.

Whereas, afterwards said County Auditor proved to be a defaulter and failed to account to said County for a large amount of the School Fund aforesaid, and having failed to pay to the County Treasurer of said County, divers and sundry amounts of said fund paid by various borrowers thereof to said County Auditor as aforesaid; and,

Sureties not liable through limitation.

Whereas, the sureties on the official bond of said County Auditor by reason of the Statute of Limitation or other causes were held or adjudged to be not liable to said County for the various amounts involved herein and paid by borrowers of said fund to said County Auditor; and the borrowers aforesaid are liable to said County, and under the law have paid or are required to pay respectively to said County the full amount paid severally by them to said County Auditor as aforesaid; and said County has made good, to the State of Iowa, all loss sustained to the School Fund by reason of the defalcation of said County Auditor; and,

Whereas, the following named borrowers of said School Fund having once paid the amount opposite their names respectively are now or have been, by reason of the facts set forth above held liable and required to pay to Madison County the said sums again to-wit :

(Name).	(Paid).	(Unpaid).	Schedule.
William Beard,.....		\$ 78.96	
W. E. Stafford,.....		\$40.48	
J. R. Sillimon,.....		\$153.70	
Martha Sturman,.....		\$571.59	
Elizabeth Thrift,.....		\$17.28	
Wm. Shay,.....	\$71.60		
Henry Evans,.....		\$66.84	
J. A. Fanrote,.....	\$12.00		
Henry Comp,.....	\$31.76		
Jennette Minton,.....		\$20.77	
George W. Smith,.....	\$44.06		
J. H. Quinn,.....	\$3.84		
Hyampsul Smith,....		\$43.84	
William Fudge,.....	\$1.41		
Granville Compton,.....		\$11.72	
Sarah and Levi Smith,.....	\$15.37		
Mary Gillespie,.....		\$49.92	
Maria and John Arnold,....	\$38.88		
M. V. Henry,.....		\$12.96	
S. A. Ellis,.....		\$16.55	
J. W. Fisher,.....		\$6.96	
John M. Duncan,.....		\$43.20	
J. B. Wilson,.....	\$128.64		
Anderson M. Bengé,.....		\$12.40	
J. S. Bard,.....		\$30.24	
A. M. and Endosa Bengé,...		\$19.84	
Adam C. Krell,.....	\$8.64		
Amos and Hannah Chase,...	\$26.70		
Jonathan Cox,.....	\$60.00		
W. H. H. Dabney,.....	\$452.00		

And, whereas to pay said amounts a second time after having paid the same to the County Auditor in the manner aforesaid is deemed a great hardship upon said borrowers and a burden they ought not under the circumstances to bear, and the Board of Supervisors under the law seem powerless to relieve them from such burden; therefore

Injustice to borrowers.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the Board of Supervisors of Madison County, Iowa, be and are hereby authorized and empowered to submit at the next general election to the qualified voters of Madison County, Iowa, a proposition for and against relieving from further liability therefor respectively the bor-

Question of release to be submitted to electors.

rowers of said School Fund aforesaid that have not paid the amount of their liability to said County, in the sums, with interest, as shown in the recital to this act, and to refund to the borrowers of said fund aforesaid respectively, that have heretofore paid the sums for which they were liable to said County as set out in the recital to this act, the said sums without interest which they have respectively heretofore paid.

Form of
ballot.

SEC. 2. If the proposition is so submitted those voting in favor thereof shall vote a ballot "For release and refunding" and those voting against the same shall vote a ballot "Against release and refunding" and if a majority of the votes for and against said proposition shall be for release and refunding then the Board of Supervisors of Madison County, Iowa, are hereby authorized and empowered to release from further liability to said County the borrowers of said fund aforesaid named in the recital of this act, their heirs, executors or assigns, respectively, in the amounts set opposite their names in such recital with interest, and to refund to the borrowers of said fund aforesaid named in said recital, their heirs executors or assigns respectively, the sums paid by them respectively as shown in said recital without interest.

Approved April 12th, 1890.

CHAPTER 135.

RELIEF OF MRS. A. NEET.

S. F. 374. AN ACT to relieve Mrs. A. Neet of Rienbeck Iowa.

Shot in line
of duty.

WHEREAS, on the 26th day of September, 1889, Archie Neet, a private citizen of Reinbeck, Grundy county, Iowa, was called upon by Thomas Brown, sheriff of the county and state aforesaid, to assist him in arresting two criminals, and while in the discharge of this duty the said Archie Neet was shot by one of the criminals aforesaid, and died on the 30th day of September, 1889, from the effect of the wound; and,

Widow left
destitute.

WHEREAS, Mrs. A. Neet, widow of the above mentioned Archie Neet, is in dependent circumstances, the death or her husband having left to her the entire suport of herself and four children as follows: Birdie Neet, aged fourteen; Wm. Neet, aged twelve; Charles Neet, aged ten and Frederick Neet, aged six; and

WHEREAS, the state of Iowa through its properly appointed officer, demanded of the said Archie Neet a hazardous public service in the discharge of which he lost his life, thereby depriving his wife and children of their means of support, therefore,